

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Annie Feng, Planner II

SUBJECT: Special Permit/Quasi-judicial, SE 7-1-03, Somerset in Davie Charter School/
Peter Deutsch, 8455 Orange Drive, Generally located at the northeast corner of Orange Drive
and South Pine Island Road

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: SE 7-1-03/Somerset in Davie Charter School, 8455 Orange Drive
(B-3)

DURATION OF REQUEST: 12 months (Section 12-308 of the Land Development Code)

REPORT IN BRIEF: The applicant is requesting a special permit to allow a 2,200 square feet temporary trailer to be utilized as four (4) classrooms for 80 to 100 students for the upcoming school year on the subject site until the permanent school building is constructed.

The site plan (SP 5-7-02) for the construction of a 27,432 square feet charter school at the northeast corner of Pine Island Road and Orange Drive was approved by the Town Council on January 2, 2003. The proposed trailer will accommodate four (4) classrooms. A site plan for this trailer has been submitted concurrent with this request.

The proposed location for the temporary trailer is on the vacant parcel east of the existing Hess gas station and west of the Discount Auto Parts store. The existing 24-foot driveway south of the parcel will be expanded and striped as required parking spaces for the classrooms. The drop-off areas are proposed on the existing driveways east and west of the trailer. Traffic circulation appears adequate and safe within the site. In addition, the combination of Red Tip, Wax Jasmine, and Pittosporum hedges around the parcel will soften the appearance of the trailer. The structure will be reviewed for safety by the Fire Marshall, and will be reviewed by the Building Department for compliance with applicable building codes.

The applicant met with the residents of Pine Island Bay on March 26, 2003 to address the resident concerns regarding the compatibility of the proposed school building and site improvements. At the last meeting on July 16, 2003, the applicant presented the proposed temporary trailer to the residents.

PREVIOUS ACTIONS: None

CONCURRENCES: At the August 13, 2003 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve subject to providing

landscaping with trees on the east and west sides of the trailer (Motion carried 4-0, Vice-Chair Waitkus absent).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration. In addition, the following conditions shall be revised prior to final site plan approval:

The applicant shall submit a site plan modification to address the following issues prior to the application of any building permit for the permanent charter school building:

1. Change the roof of the school building to barrel tile and use neutral color stucco finish to match the single family homes in Pine Island Bay.
2. Provide lighting fixtures on the school site to match the neighborhood lighting.
3. Install an eight-foot concrete wall along the entire north property line and landscaping on both side of the wall to buffer the development from the residential area.
4. Install an entrance feature with the sign of Pine Island Bay at the neighborhood entrance on SW 83 way.

Attachment(s): Planning Report, Justification, Conceptual Site Plan, Land Use Map, Zoning and Aerial Map

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<u>Owner:</u>		<u>Agent:</u>	
Name:	Peter & Beulah Deutsch	Name:	Academic, Inc.
Address:	c/o 6255 Bird Road	Address:	6255 Bird Road
City:	Miami, FL 33155	City:	Miami, FL 33155
		Phone:	(305) 669-2906

BACKGROUND INFORMATION

Date of Notification: August 1, 2003 **Number of Notifications:** 225

Application History: No deferrals have been requested.

Application Request: Special Permit pursuant to Section 12-35 of the Land Development Code, in order to allow a modular building to be used as four (4) temporary classrooms for 80 to 100 students for Somerset Charter School on the subject site.

Address/Location: 8455 Orange Drive/Generally located at the northeast corner of Orange Drive and South Pine Island Road

Future Land Use Plan Map Designation: Residential (5 DU/AC)

Zoning: Planned Business (B-3) Center

Existing Use: Vacant

Proposed Use: Temporary trailer used as classrooms

Parcel Size: 5 acres (217,800 sq. ft.)

Surrounding Uses:

North: Single Family (Pine Island Bay)
South: Orange Drive and Canal
East: Single Family (Pine Island Bay)
West: Pine Island Road, Vacant

Surrounding Land
Use Plan Designation:
Residential (5 DU/AC)
Right-Of-Way
Residential (5 DU/AC)
Residential (5 DU/AC)

Surrounding Zoning:

North: Low Medium Dwelling (RM-5) District

South: Planned Business (B-3) Center

East: Community Business (B-2) District

West: Low Medium Dwelling (RM-5) District

ZONING HISTORY**Previous Requests on same property:**

The rezoning, ZB 12-3-90 Deutsch/Invex Corporation, from CC, U, NC, PRD-5 to B-3 was approved on December 19, 1990. A charter school is a permitted use under the B-3 zoning district as a private school.

The plat, The Orange Drive – Pine Island Plat, with a note restricting parcel “A” to 2000 square feet of commercial was approved on April 1, 1991.

On December 4, 2003, the Town Council approved a delegation request to amend the note for allowing the construction of a charter school and increasing the development level of parcel “A” to 27,432 square feet.

On January 2, 2003, the Town Council approved the site plan (SP 5-7-02) for the construction of a charter school of 27,432 square feet.

APPLICATION DETAILS

The applicant is requesting a special permit to allow a 2,200 square feet temporary trailer to be utilized as classrooms for the upcoming school year for no more than 12 months on the subject site until the permanent school building is constructed.

The site plan (SP 5-7-02) for the construction of a 27,432 square feet charter school at the northeast corner of Pine Island Road and Orange Drive was approved by the Town Council on January 2, 2003. The proposed trailer will accommodate four (4) classrooms. A site plan for this trailer has been submitted concurrent with this request.

The proposed location for the temporary trailer is on the vacant parcel east of the existing Hess gas station and west of the Discount Auto Parts store. The existing 24-foot driveway south of the parcel will be expanded and striped as required parking spaces for the classrooms. The drop-off areas are proposed on the existing driveways east and west of the trailer. Traffic circulation appears adequate and safe within the site. In addition, the combination of Red Tip, Wax Jasmine, and Pittosporum hedges around the parcel will soften the appearance of the trailer. The structure will be reviewed for safety by the Fire Marshall, and will be reviewed by the Building Department for compliance with applicable building codes.

The applicant met with the residents of Pine Island Bay on March 26, 2003 to address the resident concerns regarding the compatibility of the proposed school building and site improvements. At the last meeting on July 16, 2003, the applicant presented the proposed temporary trailer to the residents.

APPLICABLE CODES AND ORDINANCES

Section 12-308 of the Land Development Code, review for special permits.

Section 12-35 of the Land Development Code. Special uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. A request for such use shall take the form of an application for special permit, processed in accordance with the regulations contained in Article X.

COMPREHENSIVE PLAN CONSIDERATIONS

Planning Area: The subject site is located in Planning Area 5. Planning Area 5 is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36 Street, on the western portion. This planning area is comprised of residential uses developed at a density of three to 22 dwelling units per acre and commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The Pine Island Ridge, classified as environmentally sensitive, has been preserved within this planning area.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

STAFF ANALYSIS

The intent of a special permit application is for Town Council to review uses that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. The Town Council approved the site plan for a charter school upon consideration of compatibility of a school facility in the neighborhood. The temporary trailer is proposed in the same manor to accommodate four classrooms until the completion of the construction for the permanent school facility. Staff has no objections to the use of the trailer as classrooms at a temporary base.

The approved two-story charter school building is identified by metal roof and bright stucco finish accented with wood sidings at the entrances on the north and south elevations and the

top of east and west elevations. The residents of Pine Island Bay are concerned about the compatibility of the architectural style of the approved building to their neighborhood. At the March 26, 2003 neighborhood meeting, the applicant proposed to change the roof to barrel tile and use neutral color stucco finish to match the single family homes in Pine Island Bay. The applicant also proposed to use the lighting fixtures on the school site to match the neighborhood lighting. In addition, the applicant agreed to install an eight-foot concrete wall along the entire north property line and landscaping on both side of the wall to buffer the development from the residential area. An entrance feature with the sign of Pine Island Bay will be installed at the neighborhood entrance on SW 83 way.

FINDINGS OF FACT

Review for Special Permits:

Section 12-308(A) (1) (a):

The following findings of facts apply to the special permit request:

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Future Land Use Map designation for the subject site is residential and school is a permitted use as community facility in residential land use category. The proposed temporary trailer is consistent with the comprehensive plan.

- (ii) The proposed change will not create an unrelated an incompatible use;

The proposed temporary trailer is a temporary facility for the approved charter school at the subject location and creates no incompatibilities with surrounding properties.

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

The proposed temporary trailer will have no adverse impacts on living conditions in the neighborhood or in the town.

- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The existing accesses and driveways will be used by the temporary school. The site plan for the trailer presents a safe and smooth traffic circulation within the site and in the surrounding area.

- (v) The proposed change will not adversely affect surrounding property values;

The proposed temporary trailer will have no impact on surrounding property values.

- (vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed temporary trailer is on the parcel where the proposed parking lot for the charter school will locate. It will not deter the site from building the permanent school facility on the parcel north of the trailer.

- (vii) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

This request is a temporary use that may be permitted if is determined by the Town Council to be compatible with the surrounding uses.

STAFF RECOMMENDATION

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be revised prior to final site plan approval:

The applicant shall submit a site plan modification to address the following issues prior to the application of any building permit for the permanent charter school building:

1. Change the roof of the school building to barrel tile and use neutral color stucco finish to match the single family homes in Pine Island Bay.
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PLANNING AND ZONING BOARD RECOMMENDATION

At the August 13, 2003 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve subject to providing landscaping with trees on the east and west sides of the trailer (Motion carried 4-0, Vice-Chair Waitkus absent).

TOWN COUNCIL ACTION

EXHIBITS

1. Justification
2. Conceptual Site Plan
3. Future Land Use Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

ACADEMICA CORPORATION
6255 Bird road
Miami, Florida 33155
(305) 669-2906
(305) 669-4390

July 2, 2003

Town of Davie
Department of Planning and Zoning
Attn: Marci Nolan
6521 Orange Drive
Davie, Florida

Re: Special Permit to allow a modular for the use of Somerset Academy in Davie Charter School, located on the corner of Orange Drive and Pine Island Road.

Dear Mrs. Nolan:

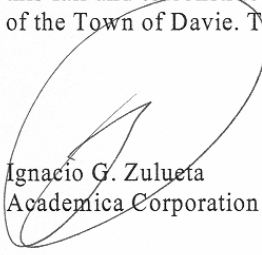
Somerset Academy in Davie Charter School will petition the Town of Davie's Council for a special permit to allow a temporary building to be located in the above-referenced location at the next Town Council meeting on August 6, 2003. Somerset Academy has obtained a site plan approval for the construction of a two-story permanent facility. Subsequent to said approval, the neighbors of Davie requested modifications to the building, including change of color schemes and roof type.

In order to accommodate the neighbor's wishes, the applicant has agreed to said modifications and has already begun the necessary revisions to the site plan, pursuant to the change in elevation. The Somerset Academy in Davie had scheduled to open its doors with a new facility for the 2003-2004 school year. Due to a few delays, the construction of the permanent facility, including the above-referenced modifications will not begin until January of 2004.

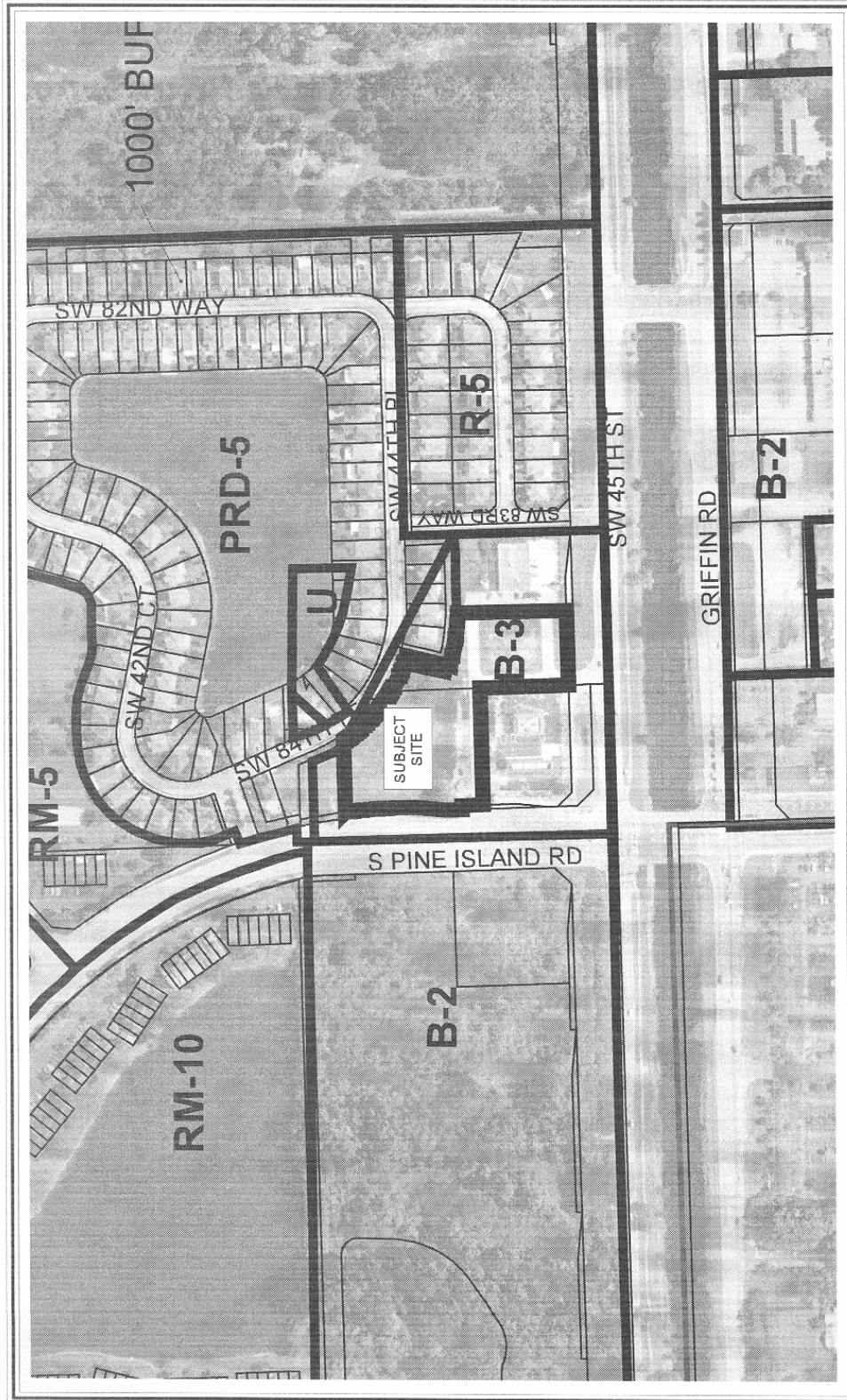
Because of growing concern of Davie residents who had anticipated registering their children in Somerset Academy, the school will apply for a permit to temporarily place a modular that will house approximately 80-100 students in 4 classrooms until the construction of the permanent facility is completed. The applicant has devised a site plan that will provide adequate parking and traffic flow. Moreover, the school's architectural team has ensured that proper landscaping will be in place to provide a buffer to the surrounding streets and community at large. The temporary building would be placed in an area that would allow for the contemporary construction of the permanent facility. (Please see the attached site plan)

The original site plan approval for this site contemplated a larger number of students that would have created a greater amount of trips, therefore a larger impact on traffic. With less than half of the anticipated number of students, the applicant believes that the issuance of a special permit to allow a modular would not create traffic congestion or otherwise affect public safety.

Because Somerset Academy in Davie is a public charter school, the applicant is under tight time constraints in that it must open its doors on August 25, 2003 or risk turning away many students that have already registered for this coming school year. The applicant has attempted to respond to the needs and concerns of Davie residents in modifying the permanent facility and also has a responsibility to the many Davie residents that are anxiously awaiting the opening of the school. The temporary building would provide an effective and speedy alternative, allowing the school to open its doors this fall and to construct a new permanent facility that takes into consideration the needs of the Town of Davie. Thank you for your consideration,



Ignacio G. Zulueta
Academica Corporation

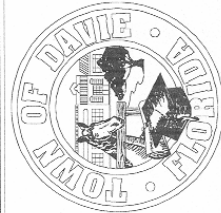


Date Flown:
12/31/00



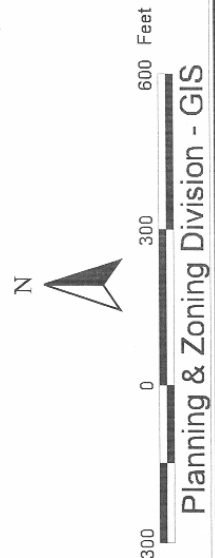
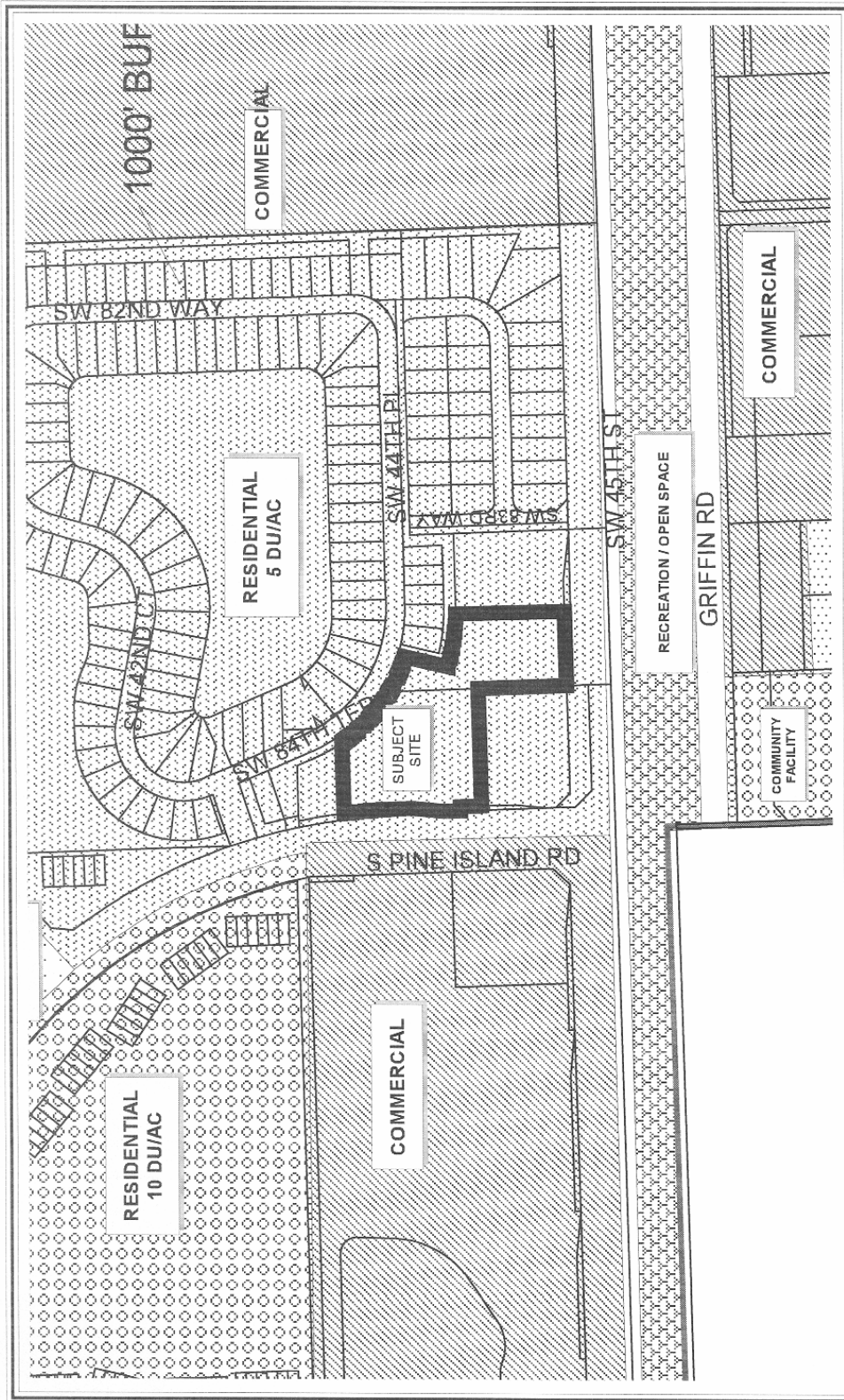
300 0 300 600 Feet

Planning & Zoning Division - GIS



SPECIAL PERMIT **SE 7-1-03** **Zoning and Aerial Map**

Date Prepared: 7/22/03
Prepared By: ILD



SPECIAL PERMIT **SE 7-1-03** **Future Land Use Map**

Date Prepared: 7/22/03
 Prepared BY: ILD